

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Case No.: S1 10-cr-00007 (CM)

Plaintiff,

-against-

SANDY ANNABI,

Defendants.

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PETITION FOR ADJUDICATION OF INTEREST UNDER 21 U.S.C §853(n)

Wells Fargo, N.A. (hereinafter referred to as “Wells Fargo”) by and through counsel pursuant to 21 U.S.C. §853(n), and petitions the Court for an ancillary hearing and asserts its interest as an innocent third party with respect to the real property commonly known as 245 Rumsey Rd. Apt. 1B, Yonkers, New York 10701, described in the Westchester County Clerk records as Section 1, Block 415, Lot 15, Apartment No. 1B (hereinafter referred to as “the subject property”) which has been forfeited to the United States, as follows:.

1. Wells Fargo asserts its interest in the above-described property forfeited to the United States Government in this Court’s preliminary Order of Forfeiture entered November 19, 2012, which property is legally described as Exhibit “A” attached hereto.

2. Wells Fargo is in possession of a Note dated February 14, 2005 with a duly endorsed Allonge, and a Loan Security Agreement dated February 14, 2005, for the sum of \$57,600.00, and thus is the holder of the Note and Loan Security Agreement. The Note is attached hereto as Exhibit “B”. The Loan Security Agreement is attached hereto as Exhibit “C”.

3. The Note requires monthly payments with the last payment due March 1, 2035.  
(See Exhibit B).

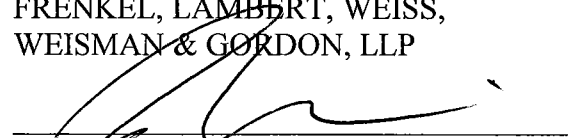
4. There is a principle balance due under the note and mortgage of \$51,928.74, together with accrued interest and additional charges, including but not limited to, insurance premiums and property taxes, if any, advanced to protect Wells Fargo's security interest pursuant to the terms of it mortgage.

5. Pursuant to 21 U.S.C. §853(n)(6)(B) Wells Fargo as mortgagee asserts it is an innocent owner. As of the time of Wells Fargo's receipt of the Note and Loan Security Agreement, Wells Fargo was reasonably without cause to believe the subject property would harbor criminal activity making it subject to forfeiture.

**WHEREFORE**, Wells Fargo respectfully requests relief from the Court's Preliminary Order of Forfeiture entered in connection with the subject property and requests that this Court hold an ancillary hearing at which Petitioner may testify and present evidence and witnesses on its own behalf pursuant to 21 U.S.C. §853(n)(5) and further that this Court amend its Preliminary Order of Forfeiture to fully recognize the interest of Petitioner as set forth herein.

Dated: May 17, 2013  
New York, New York

FRENKEL, LAMBERT, WEISS,  
WEISMAN & GORDON, LLP



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By: Barry M. Weiss (BW 1869)  
Attorneys for Petitioner  
Wells Fargo, N.A.  
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New York, New York 11706  
(212) 344-3100  
File # 01-063038-F00

VERIFICATION

STATE OF MARYLAND  
COUNTY OF WASHINGTON

JENNIFER WILKS, being duly sworn, deposes and says:

I am the VP OF COMMERCIAL BANKING of Wells Fargo Bank, N.A. (~~attorney in fact for~~); petitioner in the action captioned *United States v. Sandy Annabi*, pending in the United States District Court for the Southern District of New York, case no. 1:10-CR-00007-CM. I have read the annexed Petition and know the contents thereof and hereby verify that the same are true and accurate to the best of my knowledge, information, and belief.

My belief to those matters therein not stated upon knowledge is based upon my review of WELLS FARGO BANK, N.A.'S books and records, which are kept in the ordinary course of its business.

Jennifer Wilks  
Signature

Sworn to me before this  
17 day of May, 2013



[Signature]  
Notary Public